

IN THE DISTRICT COURT IN AND FOR MUSKOGEE COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA
COUNTY OF MUSKOGEE
FILED

2011 OCT 25 PM 4:00

CHANCE BATES,

Plaintiff,

vs.

CARRIE CASH, Deceased, and/or THE
ESTATE OF CARRIE CASH, Deceased;
CORNELIA CASH; ARCH INSURANCE
COMPANY; McNEIL & COMPANY,
INC.; and GALLAGHER BASSETT
SERVICES, INC.,

Defendants.

PAULA SEXTON
COURT CLERK

Case No.

CS-2011-532

PETITION

COMES NOW the Plaintiff, Chance Bates, and alleges the following in support of his causes of action against the Defendants, Carrie Cash, deceased, and/or The Estate of Carrie Cash, deceased; Cornelia Cash; Arch Insurance Company; McNeil & Company, Inc.; and Gallagher Bassett Services, Inc.:

1. Plaintiff is a resident of Cherokee County.
2. Upon information and belief, Defendant Carrie Cash was a resident of Muskogee County at the time of the subject collision.
3. Upon information and belief, Defendant Cornelia Cash is a resident of Muskogee County.
4. Defendants Arch Insurance Company; McNeil & Company, Inc.; and Gallagher Bassett Services, Inc. (hereinafter collectively referred to as "Arch Insurance") are insurance companies and/or agents of an insurance company unincorporated in the State of Oklahoma but doing business in Muskogee County.

5. On June 28, 2011, Plaintiff was involved in an automobile accident in Muskogee County with Defendant Carrie Cash. Defendant Carrie Cash was driving a vehicle owned by Defendant Cornelia Cash, which had been negligently entrusted or otherwise provided by Defendant Cornelia Cash to Defendant Carrie Cash.

6. Said accident was caused by the negligence of Defendants Carrie and Cornelia Cash.

7. At the time of the accident, Defendants Carrie and Cornelia Cash did not carry sufficient liability insurance to compensate Plaintiff for his damages.

8. At the time of the accident, Plaintiff was insured under a policy of automobile insurance written by Arch Insurance.

9. Said insurance policy written by Arch Insurance provided Plaintiff with uninsured/underinsured motorist coverage.

10. Plaintiff was injured in the collision, and said injuries were due to the negligence of Defendants Carrie and Cornelia Cash; he also incurred medical bills and lost earnings/earning capacity.

11. Plaintiff promptly made a claim for these injuries and bills with Arch Insurance.

12. Arch Insurance acknowledged Plaintiff's claims; yet, intentionally refused and/or delayed to promptly handle and/or pay the claims.

13. Arch Insurance's conduct was in clear disregard of the obligations it owed Plaintiff under the policy terms.

14. The intentional, reckless, and wrongful conduct of Arch Insurance amounts to a bad faith breach of the insurance policy.

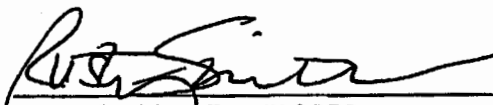
15. Arch Insurance's refusal to properly pay Plaintiff's claims amounts to a breach of the insurance contract.

16. As a result of each Defendant's conduct, Plaintiff has been injured.

WHEREFORE, Plaintiff demands a jury and prays for judgment in excess of \$75,000.00, plus interest, costs, and attorney fees against the Defendants, and each of them, plus interest, costs, attorney fees, extra-contractual damages, punitive damages, and whatever further relief is allowed by law.

Respectfully submitted,

BRENNAN, SMITH & CHERBINI, PLLC

A handwritten signature in black ink, appearing to read 'Rusty Smith', is written over a horizontal line.

Rusty Smith, OBA #19575
P.O. Box 1067 / 417 W. Broadway
Muskogee, OK 74402-1067
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ATTORNEY'S LIEN CLAIMED



**BRENNAN, SMITH
& CHERBINI PLLC**
ATTORNEYS AT LAW

A FULL SERVICE LAW FIRM

PO Box 1067 | Muskogee, OK 74402-1067

CERTIFIED MAIL



7010 2780 0001 4852 0834



McNeil & Company, Inc.
C/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

2760331725 0010

LMS Packing Slip

Package ID: 1799477

Tracking Number: 798160019612
Package Recipient: Sarah West
Recipient Company: Mcneil & Company, Inc.
Recipient Address: 20 Church Street Cortland NY 13045
USA
Phone Number: 6074282145

Package Contents:

Transmittal Number	Case Number	Title of Action
9692665	CJ-2011-532	Chance Bates vs. Carrie Cash and/or The Estate of Carrie Cash